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AMENDMENTS TO THE DRAWINGS:

Applicants submit herewith two (2) sheets of new drawings. The amendments to the drawings are as follows:

The drawings stand as objected to by the Examiner because Figure 1 is not designated by a legend such as "Prior Art" when only that which is old is illustrated. Applicants have therefore provided a replacement sheet in which Figure 1 has been amended to show the designation "Prior Art" as required by the Examiner.

Figure 1 stands objected to also because the reference numerals 12a, 12b, and 12n are shown but not expressly discussed in the specification. Applicants have therefore deleted the reference numerals 12a, 12b, and 12n from amended Figure 1.

Figure 3 was not objected to by the Examiner, however, a replacement sheet including Figure 3 is provided by Applicants to correct an inadvertent error in the docket number shown in the upper margin. No changes have been made to Figure 3.

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REMARKS

This amendment is responsive to the Office Action mailed June 6, 2007 in connection with the above-identified patent application. In that action, the drawings were objected to for the above-stated reasons. Further in that Office Action, the specification was objected to for failing to provide proper antecedent basis for the clamed subject matter, and claims 10-27 were objected to because of informalities. Still further in that Office Action, claims 1-6, 10-15, 18-24, and 27 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,971,093 to Spring (hereinafter "Spring"). Claims 7-9, 16-17, and 25-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Spring in view of U.S. Patent No. 5,742,810 to Ng, et al. (hereinafter "Ng").

THE NON-ART OBJECTIONS

The specification was objected to for failing to provide proper antecedent basis for the clamed subject matter. Specifically, the Office Action states that claim 19 refers to a computer program product comprising a computer usable medium having computer readable program code means embodied in said medium, however, the specification does not disclose a computer usable medium. Applicants respectfully traverse this objection. As pointed out in MPEP § 608.01(p), a "disclosure in an application, to be complete, must contain such description and details as to enable any person skilled in the art or science to which the invention pertains to make and use the invention as of its filing date. *In re Glass*, 492 F.2d 1228, 181 USPQ 31 (CCPA 1974). While the prior art setting may be mentioned in general terms, the essential novelty, the essence of the invention, must be described in such details, including proportions and techniques, where necessary, as to enable those persons skilled in the art to make and utilize the invention." Applicants note that claim 19 forms part of the original disclosure and that computer usable mediums such as CDROMs, DVDs, network storage devices, etc. are well known in the art. Applicants respectfully submit that claim 19 describes the claimed invention well enough that anyone skilled in the art could make and utilize the claimed

invention.

Applicants have, however, amended paragraph [0014] of the specification to provide antecedent basis for a computer usable medium. The phrase "including a computer usable medium having computer readable program code embodied thereupon" which is consistent with the original disclosure has been added to the paragraph and Applicants, therefore, respectfully request that the objection to the specification be withdrawn by the Examiner.

Claims 10-27 were objected to because of various informalities set forth in the Office Action with appropriate correction required by the Examiner. For this reason, the following amendments have been made to the claims:

a. claim 10 has been amended to replace the recited phrases "said comparing" and "said comparing means" with "said means for comparing";

b. claims 11, 12, and 13 have been amended to replace the recited phrase "said comparing means" with the phrase "said means for comparing";

c. claims 14 and 15 have been amended to replace the recited phrase "said parsing means" with the phrase "said means for parsing";

d. claim 19 has been amended to replace the recited phrases "said comparing" and "said comparing program code" with the phrase "said program code for comparing";

e. claim 19 has been further amended to replace the recited phrase "said medium" with the phrase "said computer usable medium";

f. claims 20, 21, and 22 have been amended to replace the recited phrase "said comparing program code" with the phrase "said program code for comparing"; and

g. claims 23 and 24 have been amended to replace the recited phrase "said parsing program code" with the phrase "said program code for parsing".

Applicants respectfully submit that each of claims 10-27 is of proper form and therefore request the withdrawal of the objections

THE § 102(e) ART REJECTIONS

As noted above, claims 1-6, 10-15, 18-24, and 27 were rejected under 35 U.S.C. § 102(e) as being anticipated by Spring.

With reference to claims 1, 10, and 19, the Office Action asserts that Spring teaches a method, system, and computer program product of parameter passing of data structures where an API and corresponding stored procedures are at different version/release levels. With specific reference to the recited limitation for "receiving from a calling program, a data structure", the Office Action cites col. 7, line 6 of the Spring reference which describes submitting an Interacting Module for installation. For the data structure portion of the recited limitation, the Office Action then cites Figure 4B of the Spring reference which shows a data structure described in the Spring reference. However, while the Spring reference clearly describes Figure 4 as illustrating an embodiment of a data structure describing the interface of a Core Module, it does not describe the interface as being received from the Interacting Module. Instead, the Spring reference apparently only discusses describing the interface of the Interacting Module using the same data structures used to define the Core Module (col. 14, lines 59-61). In other words, the Spring reference appears to be describing a step of examining the interface capabilities of the Interacting Module, and then describing those capabilities in terms of the data structure, rather than receiving the data structure from the Interacting Module.

The Examiner has not shown where the Spring reference teaches that the data structure is received from the Interacting Module, nor has it shown that the received data structure is used for sending or receiving data to or from stored procedures (e.g., Core Module). The Interacting module is only being received for installation decision purposes, i.e., the Interacting Module is not in communication with or calling the Core Module at the time the installation decision is being made. That would presumably occur at a later time after successful installation, but the Examiner has not shown where the described data structure would be used in any communication between the Interacting Module and the Core Module.

In fact, claim 1 of the Spring application supports the argument that the data structure described in Figure 4B is used only for installation decision purposes, and that interaction between the Interacting Module and the Core Module is not occurring at the time of installation. Claim 1 recites a "method of maintaining version compatibility between a first computer program module and one or more interacting computer program modules that interact with the first module through a interface with capabilities shared by all the interacting modules, wherein the modules are stored in computer storage, the method comprising the computer-implemented steps of: creating first information describing the computer program module interface capabilities at one or more times; storing the first information in a corresponding plurality of instances of a data structure wherein each instance of the data structure corresponds to the interface capabilities." The underlined portions of the claim serve to illustrate that the data structure described in Figure 4B is not a part of the Interacting Module, but is instead created in a separate step based on the interface capabilities of the Interacting Module. It is the interface which would be used when the Interacting Module interacts with the Core Module, not the data structure which the Examiner has not shown to exist at the time of interaction between the modules.

Each of claims 1, 10, and 19 of the present application, as amended, further recite a limitation regarding the data structure elements being "used for communicating data between the stored procedures and the calling program." This is neither shown nor fairly suggested by the Spring reference.

Each of claims 1, 10, and 19, as amended, also recite a limitation regarding "parsing only data structure elements of the data structure that are known to both of said calling program and said stored procedures" with reference to incompatible calling programs and stored procedures. The Office Action asserts that installing only the Interacting Modules compatible with the Core Module as described in the Spring reference anticipates parsing only the data structure elements that are known to both the calling program and the stored procedures. Applicants respectfully traverse this assertion.

The Office Action seems to equate the Interacting Modules of the Spring reference to the data elements of the structure described in the present application. This would seem to be the equivalence because the Office Action likens installing only compatible modules, or modules backwardly compatible, to only parsing data elements known to both the calling program and the stored procedures. However, the data structure elements recited in the present application are elements of the received data structure. The Office Action cites the data structure of Figure 4B of the Spring reference as anticipating the data structure recited in the present application. Obviously, neither the Interacting Modules nor the Core Modules are elements of the data structure of Figure 4B. In other words, the Office Action first likens the Interacting Module of the Spring reference to the calling program recited in claim 1 of the present application, and then later likens installing only compatible Interacting Modules to parsing data elements of the structure as also recited in the claim. Even if the data structure of Figure 4B were to be shown to be part of the Interacting Module, to read on claim 1 of the present application, the Office Action would need to show parsing or installation of select elements of the data structure rather, and the Interacting Module is clearly not a part of the data structure of Figure 4B. Clearly, if the Office Action has to assign dual, mutually exclusive equivalences to the Interacting Module of the Spring reference (i.e., a module providing a data structure versus being an element of the data structure), the Spring reference cannot anticipate the subject claims of the present application. The data structure of Figure 4B could possibly be a part of the Interacting Module, or the Interacting Module could possibly be a part of the data structure, but not both. Installing only compatible Interacting Modules does not anticipate parsing only elements of the data structure known to both the calling program and the stored procedures. Further, as described above, the Interacting Modules and the Core Modules of the Spring reference are not shown to be in communication or interacting during the installation procedure.

With reference now to claims 2, 11, and 20, the Office Action asserts that the Spring reference teaches the recited limitation "wherein said comparing is indicative of a data structure incompatibility between said calling program and said stored procedures

when the first version identifier is missing." With reference to the missing version identifier, the Office Action states "e.g. Core Version Number is earlier than the Interacting Version Number) (If the Core Version Number is earlier than the Interacting Version Number, or the Core Module is not backward compatible, then the modules are not compatible, and control passes to step 220, Fig. 2A, In step 220, Fig. 2A the module is not installed, and any messages or warnings to the user are issued, col. 7, lines 48-54)." However, contrary to discussion of a "missing" version identifier, the Spring reference only discusses "earlier" version numbers. The Examiner has not shown where the Spring reference describes handing of missing version identifiers.

In accordance with the above, because the Spring reference does not teach each and every limitation of the subject claims, Applicants respectfully submit that each of independent claims 1, 10 and 19, and their respective dependent claims, as amended, are patentably distinct and not anticipated by the reference of record.

THE § 103(a) ART REJECTIONS

As noted above, claims 7-9, 16-17, and 25-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Spring in view of Ng.

Independent claims 1, 10, and 19 from which claims 7-9, 16-17, and 25-26 respectively depend have each been discussed above with reference to the § 102(e) rejections. Applicants submit that neither the Spring reference nor the Spring reference in combination with the Ng reference teach the recited features of claims 7-9, 16-17 and 25-26, and their respective base claims, as amended. Applicants therefore respectfully submit that dependent claims 7-9, 16-17, and 25-26 are in condition for allowance.

Prior Art Made of Record and not Relied Upon

Other references considered pertinent to the applicants' disclosure and made of record, but not relied upon by the Examiner, have been reviewed by the applicants. The applicants submit that these references alone or in combination do not teach the present invention.

CONCLUSION

In view of the above amendments, comments, and arguments presented, applicants respectfully submit that all pending claims (claims 1-27) are patentably distinct and unobvious over the art of record.

Allowance of all pending claims and early notice to that effect is respectfully requested.

Respectfully submitted,

FAY SHARPE LLP

16 AUG 07
Date

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Date: August 16, 2007	Name: Barbara Brazier

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APPENDIX

Attached are New Formal Drawing Figures 1, 2, and 3.